

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
CENTRAL DIVISION**

In Re:

Case No: 19-41912-EDK  
Chapter 13

Kimberley A. Collins,

Debtor

**ORDER ON DEBTOR’S MOTION FOR ORDER AUTHORIZING AND APPROVING  
PRIVATE SALE OF PROPERTY OF THE ESTATE**

At Worcester, in said District on this 25th day of May, 2022.

This matter having come before the Court upon the Motion of Kimberley A. Collins (the “Debtor”) seeking on Order Authorizing and Approving Private Sale of Property pursuant to 11 U.S.C. ss. 363 (b) (f) and 1303, Bankruptcy Rule 6004 (c), and MLBR 6004-1(a), the Debtor’s interest in certain real property located at 34 Troy Road, N. Andover, Massachusetts, subject to any outstanding municipal liens and then free and clear of all liens, encumbrances and claims of every kind and description, “as is” and “where is” to Constitution Properties LLC (the “Purchaser”) for the sum of \$526,000.00; and the Court finding that notice has been properly given to parties in interest; and the Court finding the sale, on the terms described in the Motion is appropriate; and the Court finding that the purchaser is a good faith purchaser as that term is used in 11 U.S.C. s. 363 of the Bankruptcy Code, and entitled to protections provided in such section and further that the sale has been made as an arms-length transaction.

The Court finds the Motion constitutes a core proceeding, pursuant to 28 U.S.C. s. 157(b) (2)(M), and that it has jurisdiction over this matter pursuant to 28 U.S.C. s. 1334.

The Court further finds the sale is authorized under 11 U.S.C. ss. 363(b) and (f) and 1303.

IT IS ORDERED the Debtor's Motion shall and hereby is allowed and the Debtor is authorized to sell her interests in 34 Troy Road, N. Andover, Massachusetts pursuant to 11 U.S.C. ss. 363 (b), (f) and 1303, free and clear from all liens, claims, rights, interests and encumbrances, for the sum of \$526,000.00 to the Purchaser; and

IT IS FURTHER ORDERED the Debtor is authorized to pay at closing Foundation Brokerage Group, the broker's 5% sale commission of \$26,300.00, and other normal closing costs, such as, but not limited to, seller's closing attorney, prorated taxes, registry of deeds fees.

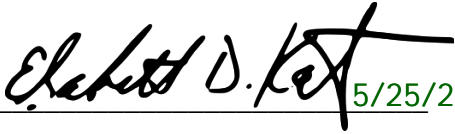
IT IS FURTHER ORDERED the Debtor is authorized to pay her attorney, Christine Bernardini of Touchstone Closing LLC, a legal fee of \$950.00.

IT IS FURTHER ORDERED that the Debtor, by and through the closing agent, on behalf of the Chapter 13 Trustee, shall disburse the payoff balance of Rushmore Loan Servicing LLC's mortgage on 34 Troy Road, N. Andover, Massachusetts from sale proceeds, and shall disburse \$4,112.42 to the Chapter 13 Trustee, which represents her 10% commission.

IT IS FURTHER ORDERED the Debtor is authorized to execute such documents as are reasonably necessary to complete the sale; and

IT IS FURTHER ORDERED that for good cause as established by the record in this case, and irrespective of Bankruptcy Rule 6004(g), this Order shall be effective immediately upon entry pursuant to Bankruptcy Rule 9014 and 7062. No automatic stay

of execution applies with respect to this Order and the parties are authorized to close the transaction without having to await the passage of the 14-day period set forth in Bankruptcy Rule 6004(h).

  
5/25/2022

Elizabeth D. Katz  
United States Bankruptcy Judge